
HOUSE BILL 2998

State of Washington

60th Legislature

2008 Regular Session

By Representatives Anderson and Orcutt

Read first time 01/21/08. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to electronic reading of radio frequency
2 identification tags in government-issued identification documents;
3 adding a new chapter to Title 19 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that machine-readable
6 features found on drivers' licenses and other similar government-issued
7 identification documents are intended to facilitate verification of
8 identity, not to facilitate collection of personal information to
9 create private databases of commercial, transactional information
10 associated with those individuals.

11 The legislature further finds that the use of machine-readable
12 features on government-issued identification documents for purposes
13 other than verification of identity, unless otherwise authorized by
14 law, constitutes an unreasonable infringement of privacy and is an
15 unfair business practice.

16 NEW SECTION. **Sec. 2.** The definitions in this section apply
17 throughout this chapter unless the context clearly requires otherwise.

1 (1) "Electronically" means relating to technology having
2 electrical, digital, magnetic, wireless, optical, electromagnetic, or
3 similar capabilities.

4 (2) "Identification document" means any document issued by a
5 governmental entity containing personal information that an individual
6 uses to establish his or her identity as required by law.
7 Identification documents include drivers' licenses or identicards.

8 (3) "Personal information" includes any of the following: An
9 individual's name, address, telephone number, e-mail address, date of
10 birth, race, religion, ethnicity, photograph, fingerprint or other
11 biometric image of the individual, social security number, or any other
12 unique personal identifier or number assigned by state or federal
13 government.

14 NEW SECTION. **Sec. 3.** (1) A person or entity shall not
15 intentionally read or attempt to read an identification document
16 electronically for any purpose, unless otherwise authorized by law.

17 (2) This section shall not apply to the following:

18 (a) Reading a person's identification document in order to comply
19 with federal law or regulations, or state law;

20 (b) Reading a person's identification document in order to comply
21 with properly authorized civil, criminal, administrative, or regulatory
22 investigation or subpoena or summons by federal, state, or local
23 authorities;

24 (c) Reading a person's identification document in order to respond
25 to judicial process or government regulatory authorities having
26 jurisdiction over the person for examination, compliance, or other
27 purposes as authorized by law;

28 (d) Reading an identification document issued to a patient by
29 emergency services;

30 (e) Reading an identification document that is issued to a person
31 who is incarcerated in the state prison or county jail, detained in a
32 juvenile facility operated by the juvenile rehabilitation
33 administration, or to a person pursuant to court-ordered electronic
34 monitoring;

35 (f) Reading a lost identification document when the owner is
36 unavailable for notice, knowledge, or consent, if the reading is:

1 (i) Conducted by law enforcement, government personnel, or those
2 parties specifically authorized by law enforcement or government
3 personnel; and

4 (ii) For the limited purpose of reading a lost identification
5 document when the owner is unavailable for notice, knowledge, or
6 consent;

7 (g) The reading of an identification document by law enforcement
8 personnel who need to read a person's identification document after an
9 accident in which the person is unavailable for notice, knowledge, or
10 consent;

11 (h) The reading of an identification document by a person or entity
12 in the course of operating its own machine-readable identification
13 document system when the reading or collection of data is inadvertent.

14 (3) A violation of this section is a class C felony.

15 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
16 a new chapter in Title 19 RCW.

--- END ---